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ENROLLED HOUSE BILL NO. 3829, AN ACT RELATING TO COMMUNITY COLLEGES. STATE OF MICHIGAN, 73RD LEGISLATURE, REGULAR SESSION OF 1966. (TITLE SUPPLIED).

MICHIGAN STATE LEGISLATURE, LANSING

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THIS IS A COPY OF THE "COMMUNITY COLLEGE ACT OF 1966" (ACT NO. 331, PUBLIC ACTS OF 1966), AS PASSED BY THE MICHIGAN STATE LEGISLATURE. ITS INTENT IS TO REVISE AND CONSOLIDATE THE LAWS RELATING TO COMMUNITY COLLEGES AND TO PROVIDE (1) FOR THE CREATION OF COMMUNITY COLLEGE DISTRICTS, (2) A CHARTER FOR SUCH DISTRICTS, (3) FOR THE GOVERNMENT, CONTROL, AND ADMINISTRATION OF THE DISTRICTS, (4) FOR THE ELECTION OF A BOARD OF TRUSTEES, (5) A DEFINITION OF THE POWERS AND DUTIES OF THE BOARD, (6) FOR THE ASSESSMENT, LEVY, COLLECTION, AND RETURN OF TAXES, AND (7) FOR THE REPEAL OF CERTAIN EXISTING ACTS AND PARTS OF ACTS. FOR OTHERS CONSIDERING INITIAL OR REVISED LEGISLATION FOR A STATE COMMUNITY COLLEGE SYSTEM, THIS ACT MIGHT SERVE AS A MODEL OF CONTENT AND/OR PROCEDURE. (HH)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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Act No. 331
Public Acts of 1966
Approved by Governor
July 19, 1966

ED019961

STATE OF MICHIGAN

73RD LEGISLATURE

REGULAR SESSION OF 1966

Introduced by Reps. Petitpren, Horrigan, Esch, Stempien, George F. Montgomery, Del Rio, Snyder, Slingerlend, Crim, Walton, Mrs. Elliott, Strange, Conrad, Beedon, Thorne, Copeland, Steeh, Holmes, Mahalak, Powell, Stanley J. Davis, Fitzgerald, Boos, Ford, George Montgomery, Monks, Wagner, Goemaere, Mrs. Hunsinger, Marshall, Smart, Cyril H. Root, Starr, Charron, Michalski, Mrs. Ferguson, Kehres, Gray, Ensign, Law, O'Brien, Tiersey, Kramer, White, Flavin, Mrs. Young, Dingwell, McNeely, Waldron, Anderson, Erlandsen, De Stigter, Woodman, Kok, Edson V. Root, Jr., Rohlfs, Charles J. Davis, Hayward, Raap, Faxon, Mrs. McCollough, Sheridan, Hood, Bradley, Mattheeussen, Edwards, Cater, Constantini, Hellman, Suski, Kildee, Kelsey, Mahoney, Traxler, Crowley, Allen, Ryan, Buth, Pears, Baker, Engstrom, Tisdale, DeMaso, Burton and Swallow

Reps. Mrs. Symons and Arnett named as co-sponsors

ENROLLED HOUSE BILL No. 3829

AN ACT to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "community college act of 1966".

PART 1

CHAPTER 1

Sec. 11. (1) One or more contiguous counties, excepting any portion previously included in an existing community college district, may join to form a community college district by a majority vote of the electors thereof. Before the election is held, approval of the formation of the proposed community college district and the proposed maximum annual tax rate shall be obtained from the state board of education by the board or joint boards of education of the intermediate school districts of the counties affected.

(2) For the purposes of this chapter a county is eligible for the formation of a community college district even though a portion thereof is a part of an existing community college district. Such portion shall not be included in the area of the proposed community college district nor shall persons residing in such areas be eligible to vote at the organizational election or at any succeeding community college district elections.

Sec. 12. (1) When approval of a proposed community college district is filed with the appropriate county clerks at least 50 days but not more than 6 months prior to the next general state election, the clerks shall include the necessary community college propositions with the proceedings for the general election.

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UNIVERSITY OF CALIF. (206)
LOS ANGELES

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CLEARINGHOUSE FOR
JUNIOR COLLEGE

(2) When approval of a proposed community college district is filed with the appropriate county clerks more than 6 months prior to the holding of the next general state election, each county clerk shall call a special election for the purpose of submitting to the electors the propositions relating to the establishment of the community college district.

Sec. 13. At the organizational election there shall be submitted the following issues:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of .....
County (or counties) be established in accordance with Act No. ..... of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.

(c) Election of the first board of trustees.

Sec. 14. (1) The community college district shall be directed and governed by a board of trustees, consisting of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election there shall be elected 3 members for 6-year terms, 2 for 4-year terms and 2 for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for terms of 6 years. Any community college district which on the effective date of this act has 6 board members, shall elect an additional trustee for a 6-year term at the next regular election held in the district. In a community college district which is comprised of 3 counties and is in operation on the effective date of this act, the board of trustees shall continue to consist of 9 members elected for 6-year terms, 3 of such members being elected from each of the 3 counties.

(2) When the organizational election is held at the same time as the general state election, the term of office of each member elected shall commence on January 1 following the organizational election.

(3) When the organizational election is held on a date other than the date of the general state election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on January 1 following the next general state election, however, the period of time from the date of the organizational election until January 1 following the next general state election shall be in addition to the regular terms to which each member was elected.

Sec. 15. (1) A community college district shall be established if:

(a) A majority of the electors of each of the counties included in the proposed community college district voting thereon approve the organization of the district.

(b) A combined majority of the electors of the counties voting thereon approve the establishment of the maximum annual tax rate.

(c) A board of trustees in the required number is elected by each county voting thereon.

(2) If either of the 2 propositions fail of proper majorities, or if a board of trustees in the proper number is not elected then no community college district shall be established.

Sec. 16. The general election laws, including the voting of absent voters, and all laws of the state relating to the hours for the opening and closing of the polls at elections and for preserving the purity of elections and for preventing fraud and corruption shall govern all elections under this act so far as the same are applicable and not inconsistent with the provisions of this act. All county and local election officials shall perform their election duties for all regular and special elections held in accordance with the provisions of this chapter, including the proper giving of notices of registration and election.

Sec. 17. (1) The final results of the organizational election and succeeding elections of the community college district shall be canvassed by the county board of canvassers established by law.

(2) Where the election area involves more than 1 county the canvass shall be made by the county board of canvassers of the county containing the highest valuation of the community college district or proposed community college district.

Sec. 18. Regular elections of the community college district shall be held on the same date as the general state elections. At regular elections, in addition to the election of

trustees, special propositions may be submitted to the vote of the electors when authorized by the board of trustees.

Sec. 19. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the county clerks at least 60 days prior to the date of the election. The resolution of the board shall contain a statement of the propositions to be submitted to the electors.

(2) Upon receipt of the resolution each county clerk shall notify the county and local election officials of the calling of the special election. The election officials shall perform their regular election duties.

Sec. 20. Expenses of elections of the community college district shall be paid by the board of trustees to the county and the several cities and townships upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the counties, cities and townships unless otherwise agreed upon between the board of the community college district and the boards of the counties, cities and townships.

Sec. 21. (1) The board of trustees of a community college district comprised of a county or counties by resolution may annex to the community college district in the manner provided in this act any contiguous county or any contiguous township not already included within the area of a community college district.

(2) Prior to the annexation election, the board of trustees shall obtain approval of the proposed annexation from the state board of education. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the aproval with the clerk of the county or township to be annexed. When the resolution and approval are filed more than 9 months from the date of the next general state election, the county board of supervisors, or the township board, shall call a special election for the purpose of voting on the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(3) If the resolution and approval are filed less than 9 months but more than 50 days prior to the next general state election, then the propositions shall be presented at such election. Annexation becomes effective on the date of the election if both propositions receive majority approval of the electors voting thereon. Final results of the annexation election shall be canvassed as provided in section 17, except in the case of annexation of a township where the results shall be canvassed by the township board of canvassers established by law.

(4) By virtue of annexation, any territory heretofore or hereafter annexed to a community college district shall be subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(5) If any portion of the county or township to be annexed lies within a community college district at the time of the annexation election, then the electors residing in such territory shall not be eligible to vote on the propositions and such territory shall not become a part of the community college district.

CHAPTER 2

Sec. 31. (1) Two or more contiguous school districts which operate grades kindergarten through 12 may join to form a community college district. When resolutions of the boards of education of contiguous school districts requesting the organization of the community college district are filed with the secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district area, he shall refer the questions of organizing the community college district and the proposed annual tax rate to the state board of education for approval.

(2) For the purposes of this chapter, a school district operating grades kindergarten through 12 shall be eligible for the formation of a community college district even though a part of the district is within an existing community college district. Such part shall not be included in the area of the community college district nor shall persons residing in such

part be eligible to vote at the organizational election or at any community college district election.

Sec. 32. (1) The secretary of the board of education of the intermediate school district shall file a copy of the approval specified in section 31 with the secretary of the board of education of each component school district. When the filing is made at least 50 days but not more than 6 months prior to the next annual school election, the secretaries shall include the necessary community college propositions in the proceedings for the annual election.

(2) When the approval is filed with the secretaries of the component school districts more than 6 months prior to the date of the annual school election, each board of education shall call a special election to be held on a date designated by the secretary of the intermediate board of education of the school district having the highest valuation within the proposed community college district, for the purpose of submitting the propositions relating to the establishment of a community college district.

Sec. 33. At the organizational election the following issues shall be submitted to the electors:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

(list names of school districts)

Shall a community college district comprised of .....
be established in accordance with Act No. ..... of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.

(c) Election of the first board of trustees.

Sec. 34. (1) If the community college district consists of 2 school districts, then 3 members shall be elected from each district and 3 members shall be elected at large.

(2) If the community college district consists of 3 or more school districts, then 1 member shall be elected from each school district and 3 members shall be elected at large.

(3) The terms of office of members elected at the first regular community college election shall be arranged so that of the members elected from each school district within the community college district, 1/3 shall be elected for a period of 2 years, 1/3 shall be elected for a period of 4 years and 1/3 shall be elected for a period of 6 years. The terms of office of members elected at large at the first regular community college election shall be arranged so that 2/3 of the members shall be elected for 6-year terms and 1/3 shall be elected for 4-year terms. If the total number of members to be elected from individual schools districts is 3, 2 members shall be elected for 2-year terms and 1 member shall be elected for a term of 4 years. If the total number of individual districts is 4, 3 members shall be elected for 2-year terms and 1 member shall be elected for a term of 4 years. If the number of constituent districts exceeds 4 and is an even number, ½ of the members shall be elected for 2-year terms and ½ shall be elected for 4-year term. If the number of districts in excess of 4 is an odd number, the majority of the members shall be elected for 2-year terms and the remaining members shall be elected for 4-year terms. The board of trustees of the community college district shall establish, by drawing lots, which constituent school districts shall elect a trustee for the respective 2 and 4-year terms. At the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for a term of 6 years.

(4) The term of office of the members elected to the first board of the community college district shall commence on the fifteenth day after the election, however, the period of time remaining until July 1 following the election of the succeeding members in odd numbered years on the date prescribed for annual school elections in sections 34, 72 and 108 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.34, 340.72 and 340.108 of the Compiled Laws of 1948, shall be in addition to the regular terms to which each member was elected. The term of office of each succeeding member elected at the regular community college district election shall commence on July 1 after his election. If any component school district holds its annual school election on a different date, such district shall call a special election to be held on the same day as that above prescribed.

Sec. 35. (1) A community college district shall be established if:

(a) A majority of the electors of each school district voting thereon approve the organization of the district.

(b) A combined majority of the electors of the component school districts voting thereon approve the establishment of the maximum annual tax rate.

(c) A board of trustees in the required number is elected by a majority of the electors of the school districts voting thereon or by the combined majority of electors of the component school districts.

(2) If either of the 2 propositions fail of proper majorities, or if a board of trustees in the proper number and area representation is not elected, then no community college district shall be established.

Sec. 36. (1) The provisions of sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.531 to 340.540 of the Compiled Laws of 1948, shall govern the conduct and procedures of the community college election conducted by local school boards under this chapter.

(2) Where part of a local school district is in another community college district, only those electors residing in the remainder of the school district shall be eligible to vote in the organizational election or in subsequent community college elections.

Sec. 37. The results of any election in the school districts shall be canvassed within 3 days of the election by the boards of canvassers of the districts. The final canvass of the results of the organizational election shall be made by the board of canvassers appointed by the secretaries of the boards of the component school districts meeting jointly. The final canvass of the results of any community college district election, except the organizational election, shall be made by the board of canvassers appointed by the board of trustees of the community college district.

Sec. 38. (1) The regular community college election shall be held at the same time as the annual school elections of the constituent school districts held in the odd numbered years on the date prescribed for annual school elections in sections 34, 72 and 108 of Act No. 269 of the Public Acts of 1955, as amended. If any component school district holds its annual school election on a different date, the board of such district shall call a special election to be held on the same day as that above prescribed. The election shall be conducted in the same manner provided by sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended.

(2) At the regular elections separate propositions may be submitted to the electors in addition to the election of trustees of the community college district when authorized by the board of trustees.

Sec. 39. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the secretaries of the component school districts at least 60 days prior to the date of the election. The resolution of the board shall contain a statement of the propositions to be submitted to the electors.

(2) The board of education of each component school district shall call the special election on the date specified in the resolution of the board of trustees.

Sec. 40. Expenses of the elections shall be paid to the several school districts by the board of trustees of the community college district upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the school districts unless otherwise agreed upon between the boards of the community college district and the school districts.

Sec. 41. (1) The board of trustees by resolution may annex to the community college district any contiguous school district not already included within a community college district.

(2) The board of trustees shall obtain the approval of the proposed annexation from the state board of education. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the board of education of the school district to be annexed.

(3) If a school district which operates grades kindergarten through 12 is annexed to a community college district, the school district shall be entitled to elect a member to the board of trustees of the community college district for a term of 6 years. The first member shall be elected at the regular community college election next succeeding the annexation election.

Sec. 42. (1) If the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the annexation on a date specified by the secretary of the board of trustees of the community college district.

(2) If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the annexation proposition shall be submitted to the electors at the annual election.

Sec. 43. (1) At the annexation election the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation will become effective on the date of the election if both propositions receive majority approval of the electors voting thereon. By virtue of annexation, a school district heretofore or hereafter annexed shall be subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of a school district to be annexed lies within a community college district at the time of the annexation election, the electors residing in such territory shall not be eligible to vote on the propositions and such territory shall not become a part of the community college district.

Sec. 44. Whenever territory which is not already within a community college district is transferred to a school district which is a part of a community college district, the territory shall be a part of the community college district and subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

Sec. 45. Whenever a school district which is not within the area of a community college district was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district shall be a part of the community college district and subject to taxes levied within the tax rate established in the community college district and to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.

CHAPTER 3

Sec. 51. (1) The board of education of an intermediate school district or the boards of 2 or more adjoining intermediate school districts acting as a single board may direct that the question of coming under the provisions of this act be submitted to the school electors of the territory affected at the annual school elections or at special school elections held in the local school districts of such territory. If any school district holds its annual election on a different date, it shall call a special election to be held on the same day of the annual elections.

(2) The board of education of the intermediate school district or the joint board of 2 or more intermediate school districts shall designate the territory to be included in the proposed community college district and a uniform property tax question for the support of the community college, both propositions being subject to the approval of the state board of education.

Sec. 52. (1) The secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district shall file a copy of the approval specified in section 51 together with the propositions to be submitted with the secretary of the board of education of each component school district. When the filing is made at least 50 days but not more than 6 months prior to the next annual school election, each secretary shall include the necessary community college propositions with the proceedings for the annual school election.

(2) When the approval is filed with the secretary of each component district more

than 6 months prior to the date of the annual school election, each board of education shall call a special election to be held on a date designated by the secretary of the intermediate board of education of the school district having the highest valuation within the proposed community college district for the purpose of submitting the propositions relating to the establishment of the community college district.

Sec. 53. At the organizational election there shall be submitted the following issues:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of

_____

(Name of intermediate school district or districts)

be established in accordance with Act No. —— of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.

(c) Election of the first board of trustees.

Sec. 54. (1) The community college district shall be directed and governed by a board of trustees, consisting of 7 members, elected at large in the proposed community college area on a nonpartisan basis. At the organizational election there shall be elected 3 members for 6-year terms, 2 for 4-year terms and 2 for 2-year terms. Thereafter, their successors shall be elected to serve for 6-year terms.

(2) When the organizational election is held at the same time as the annual school election, the term of office of each member elected shall commence on July 1 following the organizational election.

(3) When the organizational election is held on a date other than the date of the annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. When the organizational election is held on a date other than the annual election date of the component school districts, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 following the date of the annual election of the component districts held not less than 1 year nor more than 2 years from the date of the organizational election.

(4) The term of office of the members of the board of trustees of a community college district organized in the manner provided in this chapter before April 22, 1965 shall be until July 1 following the first regular community college election at which there shall be elected 2 members for 2 years, 2 for 4 years and 3 for 6 years; thereafter, their successors shall be elected to serve for 6-year terms. In a community college district organized in the manner provided in this chapter before the effective date of this act, and having 6 members on the board of trustees, an additional member shall be elected at the next regular community college election for a term of 6 years.

Sec. 55. A community college district shall be established if a majority of the electors voting in the proposed community college district area approve the organization of the district, the establishment of the maximum annual tax rate and elect a board of trustees in the proper number.

Sec. 56. (1) The provisions of sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended, shall govern the conduct and procedures of the community college election conducted by local school boards under this chapter.

(2) In those instances where part of a local school district is in another community college district, only those electors residing in the remainder of the school district shall be eligible to vote in the organizational election and in subsequent elections of the community college district.

Sec. 57. The results of any election from the several school districts shall be canvassed within 3 days of the election by the boards of canvassers of the districts. The final canvass of the results of the organizational election shall be made by the board of canvassers appointed by the board or joint board of the intermediate school district. The final canvass of the results of any community college district election except the organizational election

shall be made by the board of canvassers appointed by the board of trustees of the community college.

Sec. 58. (1) The first regular election of a community college district shall be held at the time of the annual elections of the component school districts held not less than 2 years nor more than 3 years from the date of the organizational election. The date of the annual school elections referred to in this chapter is the date prescribed for annual school elections in sections 34, 72 and 108 of Act No. 269 of the Public Acts of 1955, as amended. If any school district holds its annual election on a different date, the board of this district shall call a special election for the community college district to be held on the same day as prescribed in this chapter.

(2) Subsequent regular elections of the community college district shall be held biennially thereafter on the annual school election date.

(3) At the regular elections, special propositions may be submitted to the electors in addition to the election of trustees when authorized by the board of trustees.

Sec. 59. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the secretary of each of the component school districts at least 60 days prior to the date of the election. The resolution shall contain a statement of the proposition to be submitted to the electors.

(2) The board of education of each component school district shall call the special election on the date specified in the resolution.

Sec. 60. Expenses of the elections shall be paid to the school districts by the board of trustees of the community college district upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the school districts unless otherwise agreed upon between the boards of the community college district and the school districts.

Sec. 61. (1) The board of trustees by resolution may annex to the community college district any contiguous intermediate school district or contiguous local school district not already included within a community college district area.

(2) The board of trustees shall obtain the approval of the proposed annexation from the state board of education. Upon receipt of the approval the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the board of education of the intermediate school district to be annexed, or with the secretary of the board of education of the local school district to be annexed.

Sec. 62. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the propositions of annexation. If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the annexation propositions shall be submitted to the electors at the annual election.

(2) In the annexation of an intermediate school district, the secretary of the board of education of the district in writing shall direct the board of education of each component school district to provide for the submission of the annexation propositions to the electors of the school district. The election shall be held at the time of the annual school elections if notification is given more than 20 but less than 90 days prior to the annual election date, otherwise, each board of education shall call a special election for this purpose on a date specified by the secretary of the intermediate board of education.

Sec. 63. (1) At the annexation election the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation is effective on the date of the election if both propositions receive majority approval of the electors voting thereon. By virtue of annexation, a school district heretofore or hereafter annexed shall be subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of an intermediate school district or of a local school district to be annexed lies within a community college district at the time of the annexation election, the electors residing in such territory shall be excluded from voting on the propositions and such territory shall not become a part of the community college district.

(3) Final results of the annexation election shall be canvassed as provided in section 57.

Sec. 64. Whenever territory which is not within a community college district is transferred to a school district which is a part of a community college district, the territory shall become a part of the community college district and shall be subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

Sec. 65. Whenever a school district which is not within a community college district which was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district becomes a part of the community college district, and is subject to taxes levied within the tax rate established in the community college district and to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.

CHAPTER 4

Sec. 71. Whenever the secretary of the board of education of an intermediate school district is requested in writing by not less than 25 school electors of the county, school district or intermediate school district to initiate proceedings for the organization of a community college district, he shall refer the question of organizing the community college district to the state board of education for its approval. The state board of education may approve or deny the proposal to initiate proceedings to effectuate the proposed community college district organization. Upon the approval of the petition by the state board of education, proceedings for the establishment of the community college district shall be held in accordance with the provisions of chapters 1, 2 or 3 for the respective type of community college district.

PART 2

CHAPTER 11

Sec. 101. Each community college district shall be subject to and governed by the provisions of part 2 except as to those matters which are specifically or by necessary implication provided for in the particular chapter relative to the class or kind of community college district to which the district belongs.

Sec. 103. The community college district shall be a body corporate and may sue and be sued, and may take, condemn, use, hold, sell, lease and convey real property without restriction as to location and personal property including property received by gift, devise or bequest, as the interest of the community college district may require. Every community college district shall be presumed to have been legally organized when it has exercised the franchises and privileges of a district for a period of 2 years; and the district and its trustees shall be entitled to all rights, privileges and immunities, and be subject to all duties and liabilities conferred upon community college districts by law.

Sec. 105. (1) A community college means an educational institution providing, primarily for all persons above the twelfth grade age level and primarily for those within commuting distance, collegiate and noncollegiate level education including area vocational-technical education programs which may result in the granting of diplomas and certificates including those known as associate degrees but not including baccalaureate or higher degrees.

(2) An area vocational-education program means a program of organized systematic instruction designed to prepare the following individuals for useful employment in recognized occupations:

(a) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.

(b) Persons who have already entered the labor market and who need training to achieve stability or advancement in employment.

(c) Persons enrolled in high school.

(3) When programs or courses are provided for persons enrolled in high school, the provision of the programs or courses shall be requested for each of the individuals by the superintendent or his designated representative of the school district in which the person is enrolled.

(4) The word "area", in the phrase "area vocational-technical education program", refers to the geographical territory of the district, and whatever territory without the district as is designated as the service area of the district by the state board of education. A community college is eligible to receive such state aid and assistance as may be appropriated by the legislature for the aid and support of junior colleges or community colleges.

Sec. 107. An elector of a community college district shall possess the qualificataions provided for in article 2 of the state constitution.

Sec. 109. (1) Until changed by board resolution, every community college district shall have the legal name of "Community College District of ....." (the name of the county or counties when organized under chapter 1, the names of the component school districts when organized under chapter 2, or the name of the intermediate school district or districts when the community college district is organized under chapter 3).

(2) The board of any community college district by resolution may adopt a distinctive name for the community college district, which name, after being approved by the state board of education, shall be the legal name of the district for all purposes. The board in like manner may change the name of the district. The adoption of a distinctive name or the change in name of any district shall have no effect upon existing obligations incurred in the former name of the district or upon the district ownership of any real or personal property.

Sec. 111. (1) The first meeting of the board of trustees following the organizational election of a community college district shall be called by the secretary of the intermediate board of education of the county having the highest valuation within the community college district. The meeting shall be held within 15 days following the statutory date upon which the newly elected members take office, at such time and place as he shall designate.

(2) The organizational board meeting of any community college district operating under chapter 1 shall be held on the first Monday in January following the date of the regular community college election. The organizational board meeting of any community college district operating under chapters 2 or 3 shall be held on the first Monday in July following the date of the regular community college district election. If the date of an organizational meeting falls on a legal holiday, then it shall be held on the next succeeding Monday.

(3) At the first meeting of a first or succeeding board of trustees, the board shall elect a chairman, who shall be a member of the board of trustees, and a secretary and a treasurer, who need not be members. The officers shall be elected for a term of 2 years, subject to change of officers by resolution of the board.

Sec. 112. No member of the board of trustees except the secretary and treasurer may receive any compensation for any services rendered the district. Expenses of board members may be reimbursed when the expenses are authorized by the board of trustees.

Sec. 113. (1) A majority of the board of trustees is a quorum, but no act is valid unless voted at a meeting of the board by a majority vote of the members elect of the board and a proper record made of the same. The trustees shall keep a written or printed record of every regular or special meeting of the board, which record shall be public.

(2) The chairman, secretary and treasurer shall perform such duties as may be provided by law and prescribed by the bylaws, rules and regulations of the board of trustees not inconsistent with the provisions of this act or any laws of this state.

Sec. 114. The treasurer and such other officers or employees as shall handle money on behalf of the community college district shall first secure a suitable bond from a responsible bonding company, which bond shall be paid for by the board of trustees.

Sec. 121. The board of trustees of the community college district shall have the power to make plans for, to promote, or acquire, construct, own, develop, maintain and operate a community college and an area vocational-technical education program. The board of trustees may:

(a) Locate, acquire, purchase or lease in the name of the district such site or sites within or without the district for college buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls and supporting facilities as may be necessary; purchase, lease for a term not to exceed 5 years, acquire, erect or build and equip such buildings, structures and other improvements for college or area vocational-technical education buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls and supporting facilities as may be necessary; pay for the same out of the funds of the district provided for that purpose; sell or exchange any real or personal property of the district which is no longer required thereby for school purposes, and give proper deeds, bills of sale or other instruments passing title to the same.

(b) Establish and carry on schools and departments or courses of study and other educational programs as may be consistent with the purposes of this act, and take over and succeed to the operation of such community college or vocational-technical department or departments as may previously have been operated by school districts within the community college district.

(c) Establish, equip and maintain agricultural, trade and other vocational-technical departments and to have general control thereover for community college or area vocational-technical program purposes.

Sec. 122. The board of trustees may:

(a) Borrow, subject to the provisions of Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Compiled Laws of 1948, for community college purposes including capital expenditures such sums of money and on such terms as it deems desirable and give notes of the district therefor. When the borrowing by a newly organized community college district is in anticipation of the collection of the first tax levy of such district, the loan shall not exceed 50% of the estimated amount of the first tax levy.

(b) Borrow, subject to the provisions of Act No. 202 of the Public Acts of 1943, as amended, such sums of money as it deems necessary and issue bonds of the community college district therefor, to purchase sites for buildings, playgrounds, athletic fields or agricultural farms, purchase or erect and equip any building or buildings, which it is authorized to purchase and erect, make any permanent improvement which it is authorized to make, or in part to refund existing bonded indebtedness, and in part for any of the aforesaid purposes. No loan shall be made and no bonds shall be issued for any sum which, together with the total outstanding bonded indebtedness of the district, including bonds voted but not issued, exceeds the total of 1½% of the first $250,000,000.00 plus 1% of the excess over $250,000,000.00 of the last confirmed state equalized valuation of all taxable property in the district unless the proposition of making the loan or of issuing bonds has been submitted first to a vote of the qualified electors of the district, at a general or special election, and approved by the majority of the electors voting thereon, in which event loans may be made or bonds may be issued in an amount not to exceed 15% of the total state equalized valuation of the district. The refunding part of any bond issue shall not be included within the limitations but shall be deemed to be authorized in addition thereto. The bonded indebtedness of the district shall not extend beyond a period of 30 years for money borrowed. Bonds or obligations issued under the provisions of this act shall not be purchased by the state.

Sec. 123. The board of trustees may:

(a) Have the care and custody of all community college property and provide suitable facilities, sanitary conditions and medical inspection for the community college of the district.

(b) Establish and collect tuition and fees for resident and nonresident students.

(c) Establish and maintain or continue a library or museum, which institutions may be separately operated if desired, for the community college, if it deems it advisable to do so, and provide for its or their care and management.

Sec. 124. The board of trustees may:

(a) Contract with, appoint and employ a suitable person, not a member of the board, as administrator or director of the community college, who shall possess at least an earned bachelor's degree from a college acceptable to the state board of education and be the possessor of or be eligible for a teacher's certificate or have educational qualifications equivalent thereto in accordance with standards determined by the state board of education or have an earned doctor's degree from an accredited college or university, and who shall hold his office for a term fixed by the board, not to exceed 5 years, who shall perform such duties as the board may determine and who shall make reports in writing to the board of trustees and to the department of education annually or oftener if required in regard to all matters pertaining to the educational interests of the community college district; appoint in its discretion, a business manager responsible to the administrator or director of the community college for the community college district and fix his term of office.

(b) Select and employ . . a administrative officers, teachers and employees and engage such services as shall be nec ssary to effectuate its purposes.

Sec. 125. The board of trustees may:

(a) Certify to the treasurer of the community college district for payment out of the funds thereof all claims and demands against the board or community college district, which shall be allowed by the board under rules and regulations it may establish.

(b) Borrow money or other property and accept contributions, capital grants, gifts, donations, services or other financial assistance from the United States of America or any agency or instrumentality thereof.

(c) Accept by gift or devise private property. They may accept from any county, township or other governmental unit any contribution authorized by its governing body as provided in sections 791 to 795 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.791 to 340.795 of the Compiled Laws of 1948. They shall likewise be entitled to receive from the state all grants of state aid, in the same manner and proportion, as any other community college.

(d) Adopt bylaws, rules and regulations for its own government and for the control and government of the community college district.

(e) Acquire and hold in the name of the district all real property and improvements acquired and erected under the provisions of this act.

(f) To do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the community college.

Sec. 126. Notwithstanding the provisions of subdivision (a) of section 121, the board of trustees may acquire lands or acquire or erect and equip buildings or maintain them to be used as residence halls, apartments, dining facilities, student centers, health centers, stadiums, athletic fields, gymnasiums, auditoriums and other educational facilities and finance the acquisition thereof by borrowing money and issuing bonds or other obligations therefor under such terms and provisions as it deems best, including the right to refund such bonds or obligations and the board shall obligate itself for the repayment thereof, together with interest thereon, solely out of the income and revenues from such facilities or other facilities heretofore or hereafter acquired or any combination thereof or from allocations and pledges of tuition, fees and charges required to be paid by students enrolling in the college, or any combination thereof. The bonds shall be for a period not to exceed 50 years, and shall never constitute a debt of the state or any political subdivision thereof. The bonds shall not be subject to Act No. 202 of the Public Acts of 1943, as amended, or to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Compiled Laws of 1948.

Sec. 141. The board of trustees shall prepare annually on a day to be determined by the board of such district but before the third Monday in April of each year, an estimate

of the amount of taxes or appropriation deemed necessary for the ensuing fiscal year for the purposes of expenditures authorized by law as within the powers of the board.

Sec. 142. (1) The treasurer of any community college district, when authorized by resolution of the board of trustees, may invest debt retirement funds, building and site funds, building and site sinking funds or general funds of the district. The investment shall be restricted to the following:

(a) Bonds, bills or notes of the United States, or obligations, the principal and interest of which are fully guaranteed by the United States, or obligations of the state; or

(b) Certificates of deposit or open time deposits issued by any state or national bank organized and authorized to operate a bank in this state.

(2) Moneys in the several funds of a community college district shall not be commingled for the purpose of making any investment authorized by this section and all earnings on any investment shall become a part of the fund for which the investment was made.

Sec. 143. The board of trustees shall provide for a system of accounting meeting the approval of the state board of education. All accounts shall be audited once each year by a certified public accountant and a summary of the audit shall be published in a newspaper of general circulation in the community college district. The fiscal and accounting year shall commence with July 1 in each year. Copies of the reports of audits shall be filed as required by the state board of education and shall be available at all reasonable times for public inspection, as a condition of receiving any state aid for the subsequent fiscal year.

Sec. 144. (1) The board of trustees of each community college district may levy for the purposes specified as within the power of the board, a tax which shall not exceed the rate which has been heretofore or is hereafter authorized by the qualified electors of the district or the rate derived through the previous adoption by the electors of the district of the provisions of Act No. 188 of the Public Acts of 1955, as amended. The funds may be used for any and all purposes authorized except that the foregoing limitation shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount. This limitation may be increased to not more than 5 mills if approved by a majority of the qualified electors voting on the question at any general or special election of the community college district. The board of trustees shall determine the total taxes required for any year and shall certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city and township in which the territory of the community college district is situated on or before September 1 of each year, except that the board of trustees may provide by resolution that taxes to be raised against property within any city, any portion of which lies within the community college district boundaries, may be levied and collected in the same manner and at the same time as the city taxes. All moneys collected by any tax collecting officer from the tax levied under the provisions of this section shall be returned to the county treasurer who shall pay the taxes so returned forthwith to the community college district.

(2) The subjects of taxation for the community college district purposes shall be the same as for state, county and other school purposes as provided under the general property tax law.

Sec. 145. The property of the community college district shall be exempt from all taxation and assessment, and no writ of attachment or writ of execution shall be levied upon the property thereof. The board of trustees may enter into an agreement with any city, village or township or with the board of county road commissioners whereby the community college district agrees to pay special assessments for local improvements levied against any community college district property irrespective of the use to which the property is put.

CHAPTER 12

Sec. 151. Any elector residing within the community college district or proposed community college district is eligible to be chosen as a board member.

Sec. 152. (1) Candidates for members of the first and succeeding boards shall be nominated by petition signed by not less than 50 nor more than 200 qualified and registered electors residing within the geographic area of the community college district. All nominating petitions shall be filed not later than 4:00 p.m. on the thirtieth day prior to the date of any election.

(2) Nominating petitions for the first board of trustees shall be filed with the secretary of the board of education of the intermediate school district of the county having the highest valuation within the community college district. Nominating petitions for succeeding boards of trustees shall be filed with the secretary of the board of trusees of the community college district, except that when candidates are elected from separate school districts within the college district as provided in chapter 2, nominees from school district areas shall file nominating petitions with the secretaries of school districts for the first and succeeding boards of trustees.

(3) Upon the filing of nominating petitions with the appropriate official, he shall canvass them to ascertain if they have been signed by the requisite number of qualified and registered electors and for the purpose of determining the validity thereof may cause any doubtful signatures to be checked against the registration records of the clerk of any political subdivision in which the petitions were circulated, or may use any other method he deems proper for determining the validity of the doubtful signatures. If he determines that the nominating petitions of any candidate do not comply with the requirements or if the candidate does not possess the qualifications as required by the provisions of this act for membership on the board of trustees, the official shall notify the candidate of such fact together with a statement of the reasons.

Sec. 153. After the filing of a nominating petition by or on behalf of a candidate for membership on the board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served upon the official with whom the nominating petition was filed or his duly authorized agent not later than 4:00 p.m. of the third day after the last day for filing the petition unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the official or his duly authorized agent up to 4:00 p.m. on the next secular day.

Sec. 154. When a candidate for election to the board of trustees dies before the election, withdraws, removes from the community college district or proposed district, or becomes disqualified for any reason, and such person is the only candidate for the term of office of member of the board of trustees, then at the first meeting of the board after the election, the board shall elect, by majority vote of the members of the board, a person who would otherwise meet the qualifications of the office to serve until the next succeeding regular community college election for members of the board of trustees.

Sec. 155. The candidate for each term of office who received the highest number of votes cast shall thereby be elected. Within 3 days of the official canvass the secretary of the final board of canvassers of any election for members to the board of trustees shall deliver a certificate of election to each of the candidates declared elected. The delivery may be made in person or by certified mail.

Sec. 156. (1) Within 15 days after his appointment or after the final canvass of his election, each person elected or appointed as a member of the board of trustees of a community college district shall file with the secretary of the board of trustees his oath of office and his acceptance of office, accompanied by a written affidavit setting forth the fact of his eligibility as provided in section 151. Each person elected or appointed to the board of anv community college district shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of member of the board of trustees according to the best of my ability."

(2) Any member elected to the first board of trustees of a community college district shall file his acceptance of office, affidavit of eligibility and oath of office with the secretary

of the intermediate board of education of the county having the highest valuation within the community college district.

Sec. 157. The office of a member of the board of trustees shall become vacant immediately without declaration of any officer or any acceptance of the board of trustees or its members, upon the death of the incumbent, or his being adjudicated insane or being found to be mentally incompetent by the proper court; his resignation; his removal from office; his conviction of a felony; his election or appointment being declared void by a competent tribunal; his refusal or neglect to file his acceptance of office, or his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; his ceasing to possess the legal qualifications for holding office including his residence qualification.

Sec. 158. Whenever a vacancy in the board of trustees occurs, the remaining members of the board by majority vote shall fill the vacancy immediately with a qualified elector of the community college district. Any person so appointed shall hold office until the next regular community college election held for the election of members to the board of trustees in the community college district at which time the electors of the community college district shall fill the office for the unexpired portion of the term.

CHAPTER 21

Sec. 191. This act is for the purpose of implementing section 7 of article 8 of the state constitution and shall be construed as being the charter of community colleges established and operating hereunder, and as determining the tax limitation of such colleges in accordance with section 6 of article 9 of the constitution.

Sec. 192. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect are hereby saved. It is the legislative intent that this act shall not be construed to alter or affect the continued organization or operation of the community college districts of the state or the rights or liabilities of such districts, except as otherwise specifically provided herein.

Sec. 193. Except as specifically otherwise provided in this act, this act shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this act had not been passed.

Sec. 194. Act No. 188 of the Public Acts of 1955, as amended, being sections 390.871 to 390.883 of the Compiled Laws of 1948, is repealed.

Sec. 195. This act shall take effect on October 1, 1966.

This act is ordered to take immediate effect.

_____

Clerk of the House of Representatives.

_____

Secretary of the Senate.

Approved _____

_____

Governor.